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5 Attorneys for Defendants  
WHEAT LAND SURVEYING, INC. and ROBERT  
6 WHEAT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 JOHN BONILLA as CHAIRMAN and GIL  
12 CROSTHWAITE as CO-CHAIRMAN of the  
13 BOARDS OF TRUSTEES FOR THE  
14 OPERATING ENGINEERS HEALTH AND  
15 WELFARE TRUST FUND, PENSION FUND  
16 FOR OPERATING ENGINEERS,  
17 PENSIONED OPERATING ENGINEERS  
18 HEALTH AND WELFARE FUND,  
19 OPERATING ENGINEERS VACATION AND  
20 HOLIDAY TRUST FUND, NORTHERN  
CALIFORNIA PREAPPRENTICE,  
APPRENTICE AND JOURNEYMAN  
AFFIRMATIVE ACTION TRAINING FUND,  
OPERATING ENGINEERS CONTRACT  
ADMINISTRATION FUND FOR NORTHERN  
CALIFORNIA, OPERATING ENGINEERS  
INDUSTRY STABILIZATION TRUST FUND  
AND OPERATING ENGINEERS MARKEY  
PRESERVATION TRUST FUND,

No.: C 05 4942 MEJ

**STIPULATION RE: EXTENSION  
OF TIME TO FILE RESPONSIVE  
PLEADING**

## AND ORDER THEREON

21 || Plaintiffs,

22

vs.

23 WHEAT LAND SURVEYING, INC., a  
24 California corporation; and ROBERT WHEAT,  
an Individual.

## Defendants.

25 Defendants.

At the request of Defendants Wheat Land Surveying, Inc. and Robert Wheat, the parties hereby stipulate through their respective counsel, Patrick J. McMahon and James

DEC. 30, 2005 11:45AM GAGEN MCCOY McMAHON

NO. 579 P. 3/5

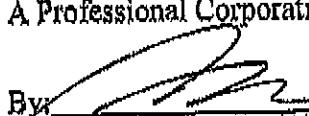
1 Watson, hereby stipulate to request an order enlarging the time by two weeks in which  
2 Defendants may file a responsive pleading to the complaint herein.

3 The parties stipulate and request that the Court order that Defendants may have to  
4 and including January 18, 2006 within which to file a responsive pleading to the  
5 complaint herein.

6 As is set forth in the Declaration of Patrick J. McMahon, *infra*, there is good cause  
7 for such an enlargement of time. This stipulation is submitted pursuant to Local Rules 6-  
8 1.

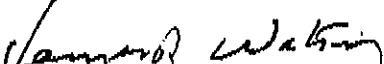
9 Dated: December 30, 2005

GAGEN, McCOY, McMAHON & ARMSTRONG  
A Professional Corporation

10  
11 By:   
PATRICK J. McMAHON  
Attorneys for Defendants

12  
13  
14 Dated: 12-30-2005

STANTON, KAY & WATSON

15 By:   
16 JAMES P. WATSON  
Attorneys for Plaintiffs

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-2-  
STIPULATION RE EXTENSION OF TIME

## **DECLARATION OF PATRICK J. McMAHON**

I, Patrick J. McMahon, declare:

1. I am an attorney, duly licensed to practice and in good standing before all the courts of the State of California and the United States District Court for the Northern District of California. I am one of the attorneys for Defendants Wheat Land Surveying, Inc. and Robert Wheat, in the above-entitled matter.

7       2. The responsive pleading is presently due January 4, 2006. We have had  
8 time only to briefly review the complaint and meet with our clients re the facts and  
9 circumstances of this case, but it is apparent that review and analysis of the case and  
10 preparation of a responsive pleading will take substantially more time than is presently  
11 available to us.

12       3. I spoke with plaintiffs' counsel James P. Watson on Friday, December 30.  
13 Plaintiffs through Mr. Watson have agreed to stipulate to the Defendants' request.

14       4. Defendants have not requested any other extensions regarding this case.  
15 This extension should not materially affect any other deadlines in this case.

I declare under penalty of perjury that the foregoing is true and correct of my own knowledge and that if called upon to do so I could and would testify competently thereto.

18      Executed this 30<sup>th</sup> day of December, at Danville, California.

Patrick J. McMahon

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## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 4, 2006

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MARIA-ELENA JAMES  
United States Magistrate Judge



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